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10/814,520	03/31/2004	Patrick Chiu	FX/A3017	6922

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EXAMINER
HASSAN, RASHEDUL

ART UNIT	PAPER NUMBER
2179	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-38_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-38_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.
(b) CROSS-REFERENCE TO RELATED APPLICATIONS.
(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR
     DEVELOPMENT.
(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A
     COMPACT DISC.
(f) BACKGROUND OF THE INVENTION.
     (1) Field of the Invention.
     (2) Description of Related Art including information disclosed under 37
     CFR 1.97 and 1.98.
(g) BRIEF SUMMARY OF THE INVENTION.
(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
(i) DETAILED DESCRIPTION OF THE INVENTION.
(j) CLAIM OR CLAIMS (commencing on a separate sheet).
(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A
     "Sequence Listing" is required on paper if the application discloses a
     nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if
     the required "Sequence Listing" is not submitted as an electronic
     document on compact disc).

The application is missing the "BRIEF SUMMARY OF THE INVENTION".

Appropriate correction is requested.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "can have" renders the claim indefinite because it is unclear whether the limitation following the phrase is part of the claimed invention. Similar issues are also found in line 2 of claims 2, 3, 6, 8, 9, 12, 14, 17 and 18, line 4 of claims 4, 10 and 34, lines 2 and 4 of claim 15, line 7 of claims 19, 29 and 38, line 3 of claim 24 and line 8 of claim 37 where the use of the word "can" renders the claims indefinite. The claims have been interpreted to include the limitations following the word "can" for the purpose of further examination.

Regarding claim 4, the phrase "and/or" renders the claim indefinite because it is unclear whether the limitations recited are in alternative form or not. Similar issues are also found in lines 3 and 5 of claims 11 and 32, line 5 of claims 15,24 and 30, line 4 of claim 20, lines 2 and 4 of claim 22 and line 6 of claim 34 where the use of the phrase "and/or" renders the claims indefinite. The phrase "and/or" has been interpreted to mean "or" for the purpose of further examintation.

Claim 5 recites the limitation "the relevance number" in line 5. There is

insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

Claims 29-36 and 38 are rejected under 35 U.S.C 101 for being directed to non-

statutory subject matter.

Claims 29-36 are directed to a machine readable medium having instructions

stored thereon that when executed cause a system to carry out the method of the

claimed invention. However, the instructions as claimed are not necessarily in

executable form. A person of ordinary skill in the art can reasonably interpret the claims,

in the broadest reasonable interpretation, to be directed towards non-functional

descriptive materials claimed in combination with a physical medium. Since non-

functional descriptive material is considered to be non-statutory subject matter even if

claimed in combination with a physical medium, claims 29-36 are rejected as being

directed to non-statutory subject matter under the meaning of 35 U.S.C 101. Amending

the independent claim 29 to recite "executable instructions" in place of only

"instructions" will be sufficient to overcome the rejection for claims 29-36.

Claim 38 is directed to a computer data signal embodied in a transmission

medium comprising code segments for carrying out the method of the invention. Signal

is currently considered to be a non-statutory subject matter even if claimed in

combination with a physical medium. Therefore, claim 38 is also rejected as being

directed to a non-statutory subject matter under the meaning of 35 U.S.C 101.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3,8,9,11-15,17-19,22,24,25,29,32,34 and 36-38 are rejected under 35

U.S.C. 103(a) as being unpatentable over Shen et al. (US 2004/0221322 A1)

hereinafter Shen in view of Plow et al. (US 6,429,883 B1) hereinafter Plow.

For claims 1,11,19,22,29,32,37 and 38, Shen teaches multimedia content

browsing on small mobile devices, comprising:

a multimedia content database (multimedia content stored in a storage device

constitutes a multimedia content database in the broadest reasonable interpretation,

[0022]);

a processing component ([0022]) capable of:

searching and retrieving one or more multimedia contents from the multimedia content

database (searching and retrieving are inherent functionalities that must be performed

in order to supply video content to the browsing component); and

transmitting the one or more multimedia contents to a browsing component over a

communication network ([0022]); and

said browsing component capable of:

rendering the one or more multimedia contents on one or more layers on the browsing

component (101a in Fig. 1A shows rendering in one layer, Fig. 3A shows rendering

using more than one layers, furthermore see text overlay utilization discussed in

[0058]), wherein each of the one or more layers can have a transparency value (layers

that overlap each other as shown in Fig. 3A inherently have opaque transparency

value).

Shen does not teach setting the transparency value of each of the one or more layers

independently, interactively, and continuously via one or more input devices. However,

Plow teaches rendering contents on one or more layers on the browsing component

wherein each of the one or more layers can have a transparency value and setting the

transparency value of each of the one or more layers independently, interactively and

continuously via one or more input devices (Fig. 3-7, column 3-4). Like Shen, Plow also

deals with the problem of displaying information in a limited display space (see

background of the invention). Plow resolves this problem by displaying the contents of

the overlaying window at a variable degree of transparency based upon a user

interaction so that the user can simultaneously view information from windows

displayed in multiple layers (abstract). Therefore, it would have been obvious for a person of ordinary skill in the art to combine the teachings of Shen with that of Plow to arrive at the present invention. The motivation for such combination would have been to allow efficient use of limited display space for simultaneous viewing of multimedia contents displayed in layers (Plow, column 4 lines 17-19).

It is also noted that means plus function language has been used to construct claim 37 invoking the rebuttable presumption that 35 U.S.C 6th paragraph has been invoked.

For claim 2, Shen further teaches that the multimedia content database can reside on at least one of: an external hard disk drive (HDD), a portable HDD, a wireless HDD, a Bluetooth HDD, and an internal HDD on a resource-rich computing device ([0022], also see [0065]).

For claim 3, Shen further teaches that a multimedia content of the one or more multimedia contents can include: a video, a video segment, a keyframe, an image, a figure, a drawing, a graph, a picture, a text, and a keyword ([0022], [0024], [0029], [0058] and [0059]).

For claim 8, Shen further teaches that the processing component can be one of: a laptop PC, a desktop PC, a server, a workstation, and a mainframe computer ([0022], [0054]).

For claim 9, Shen teaches that the multimedia contents can be supplied by an external source such as a server to the browsing component ([0022]). Therefore, presence of a communication network between the external source and the browsing component is implicitly taught in the reference. It would have been obvious for a person of ordinary skill in the art at the time of the invention to use one of: Internet, an intranet, a local area network, a wireless network, and a Bluetooth network as the network of choice.

For claim 12, Shen further teaches that the browsing component can be one of: a PDA, a cell phone, a Tablet PC, a Pocket PC, and a small mobile device ([0022]).

For claim 13, Shen further teaches that The browsing component is further capable of performing on the one or more multimedia contents at least one of: querying the one or more multimedia contents by a keyword; exploring the one or more multimedia contents by viewing a keyframe of the one or more multimedia contents; and playing a stream of the one or more multimedia contents (Fig. 4A-5, [0023], [0049]-[0053]).

For claim 14, Shen further teaches that a layer in the one or more layers can be a content layer or a widget layer (Fig. 3A shows contents provided in two content layers in the display).

For claims 15,24 and 34, Shen further teaches that the content of the content layer can be at least one of: a list of titles of the one or more multimedia contents, which can be ordered by their relevance numbers based on the number of appearances of a keyword; an un-composed and/or composed content of the one or more multimedia contents ([0023], Fig. 8, [0060]-[0064]); and a stream of the one or more multimedia contents ([0023], Fig. 8, [0060]-[0064]).

For claims 17,25 and 36, Shen further teaches that the one or more layers can overlap and be rendered on top of each other (Fig. 3A).

For claim 18, Shen further teaches that an input device in the one or more input devices can be one of: a pen, and a stylus ([0030]).

Claims 4-7,10,20,21,23,30,31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shen et al. (US 2004/0221322 A1) hereinafter Shen in view of Plow et al. (US 6,429,883 B1) hereinafter Plow and further in view of Takata et al. (EP 0990998 A2) hereinafter Takata.

For claims 4,10, 20 and 30, Shen teaches a multimedia content of the one or more multimedia contents comprises one or more segments ([0023],[0028],[0029] and [0059]). However, neither Shen nor Plow teaches that the multimedia content and/or each of the one or more segments can be associated with and retrieved by a keyword. But Takata teaches an image search apparatus and method that acquires associative words in relation to an input query word, and makes a keyword search of image information in a multimedia database on the basis of the obtained associative words and input query word (abstract and summary of the invention). Therefore, it would have been obvious for a person of ordinary skill in the art to combine the teachings of Shen and Plow with that of Takata to arrive at the present invention. The motivation for the combination would have been to manage a large collection of multimedia contents and retrieve the desired multimedia contents efficiently and accurately (Takata, [0009]).

For claim 5, Shen further teaches a graphical representation of at least one of: the one or more segments composing the multimedia content ([0023], [0027]-[0030], and [0059]); the associated keyword of each of the one or more segments; and the relevance number of each of the one or more segments.

For claims 6,21 and 31, Shen further teaches that the multimedia content can include one or more segments from one or more source multimedia contents ([0027]-[0030]).

For claim 7, Shen further teaches a graphical representation of the source

multimedia content of each of the one or more segments composing the multimedia

content ([0023],[0027]-[0030]).

For claims 23 and 33, it has already been pointed on in the rejection of claim 13

that Shen teaches exploring the one or more multimedia contents by viewing a

keyframe of the one or more multimedia contents; and playing a stream of the one or

more multimedia contents (Fig. 4A-5, [0023], [0049]-[0053]). Shen does not teach

querying the one or more multimedia contents by a keyword. However, it has already

been discussed in the rejection of claim 4 that Takata teaches a technique of querying

multimedia contents by a keyword and why it would have been obvious to combine the

teachings of Shen and Plow with that of Takata to arrive at the present invention.

Claims 16,26 and 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Shen, in view of Plow, and further in view of Smith (US 5,933,141).

For claim 16, Shen does not teach adjusting interactively the transparency value

of each of the one or more layers via the one or more input devices. However, it has

already been pointed out in the rejection of claim 1 that Plow teaches adjusting

interactively the transparency value of each of the one or more layers via the one or

more input devices and the motivation behind combining the teachings of Shen with

that of Plow. But neither Shen nor Plow teaches using a widget layer for adjusting

interactively the transparency value of the layers. Smith teaches using a picture

adjustment control layer overlayed on top of the content layer wherein the transparency

of the control layer can be changed based on user events (Fig. 3A, column 6). Like

Shen and Plow, Smith also deals with the problem of displaying information, specially

control interfaces, in a limited display space and tries to achieve efficient utilization of

such limited display space for optimum and simplified user interaction. Therefore, it

would have been obvious for a person of ordinary skill in the art to combine the

teachings of Shen and Plow with that of Smith to arrive at the present invention. The

motivation for such combination, to provide the user control (100 in Fig. 3) for

interactively adjusting the transparency of the layers as taught by Plow within a widget

layer as taught by Smith, would have been to avoid cluttering the limited display space

available with user interface controls.

Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Shen, in view of Plow, and further in view of Frank et al. (US 5,651,107).

For claims 27 and 28, Shen does not teach adjusting the transparency value of

the one or more layers via the one or more input devices. However, it has already been

pointed out in the rejection of claim 1 that Plow teaches adjusting the transparency

value of the one or more layers via the one or more input devices and the motivation

behind combining the teachings of Shen with that of Plow. Plow teaches using a

transparency button (100 in Fig. 3) which when clicked causes the transparency of the

layer to be varied based on the duration between the click and the click release of the

button. But neither Shen nor Plow teaches adjusting the transparency value of one of

the one or more layers in the X direction by the one or more input devices. However,

Frank teaches adjusting the transparency value of one of the one or more layers in the

X direction by the one or more input devices (262 in Fig. 8). Frank's choice of using a

slider instead of a button as used by Plow gives a better graphical indication of the

level of transparency currently selected. Therefore, it would have been obvious for a

person of ordinary skill in the art to combine the teachings of Shen and Plow with that

of Frank to arrive at the present invention. The motivation would have been to provide

a stronger man-machine interface (Frank, column 1, lines 45-47). For claim 28, the

reasoning for the combination is similar to that of claim 27. However, having the slider

oriented to the Y direction instead of the X direction would have been obvious and

motivated by the orientation of the presentation as taught by Shen (see vertical 501A

vs. horizontal 501B presentation orientation as shown in Fig. 5, [0052]). When the

presentation orientation is chosen to be the vertical orientation due to the aspect ration

of the display 103, it would have been obvious to also orient the frequency adjustment

slider to the vertical direction and thereby adjusting the transparency value of one of

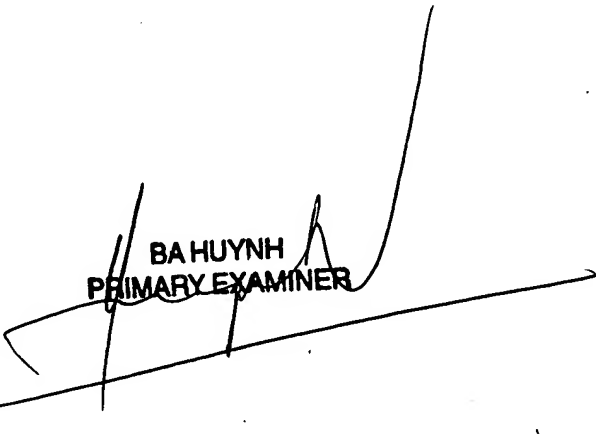the one or more layers in the Y direction.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashedul Hassan whose telephone number is 571-272-9481. The examiner can normally be reached on M-F 7:30AM-5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

(Rashedul Hassan)

BA HUYNH
PRIMARY EXAMINER